IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1978 OF 2007

1. Nazir Jalaluddin Sayed and 4 ors. ..Applicants

Vs.

1. The State of Maharashtra and anr. ..Respondents

Mr. R.A. Shaikh for applicants.
Mr. P.A. Pol, APP for State.
Smt.Y.A. Shaikh for respondent no.2.

CORAM: B.H. MARLAPALLE, J.

Date : July 04, 2007.

P.C.:

1. Heard the learned counsel for the respective parties i.e. husband and wife. This application has been taken out to quash the FIR lodged by the wife with the Nagpada Police Station for the offences punishable under Sections 498-A, 406 read with Section 34 of IPC and consequent to the investigations made, charge-sheet has been submitted before the 15th Metropolitan Magistrate's Court at Mazgaon in C.C. No. 382/PW/2006 in September, 2006.

2. It is further pointed out that during the pendency of the Criminal Case before the learned Metropolitan Magistrate, the spouses have amicably settled the matrimonial disputes and signed the Memorandum of Understanding on 21/5/2007 and thereafter the respondent no.2-wife has joined the company of the applicant no.1-husband. Both of them are present before the court today and they have stated that they have reunited and the wife does not wish to press for the complaint and more so because of the reconciliation between them. The learned counsel ha also relied upon the decision of the Supreme Court in the case of B.S. Joshi and ors. vs. State of Haryana and anr. [(2003) 4 SCC 675], wherein their Lordships have held that the High Court should invoke its inherent powers to quash the criminal proceedings initiated by one of the spouses against other. If the spouses have reconciled and shown their willingness to co-habit happily. The learned counsel has also rightly relied upon the order passed by this court (Coram: Smt.V.K. Tahilramani,J.) in Criminal

Application No. 5105 of 2005.

3. In the premises, this application is allowed and the proceedings in C.C. No. 382/PW/2006 presently pending before the 15th Metropolitan Magistrate's Court at Mazgaon, Mumbai are hereby quashed and set aside along with C.R. No.382 of 2006 registered with Nagpada Police Station. Consequently, the bail bonds furnished by the applicants stand cancelled and the applicants will be entitled to withdraw the cash bail amount deposited with the trial court.

(B.H. Marlapalle,J.)